IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 323 of 2006
With
SPECIAL CIVIL APPLICATION No. 325 of 2006
To
SPECIAL CIVIL APPLICATION No. 330 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JAYANTIJI BUDHAJI THAKORE - Petitioner(s)

Versus

STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
MR AJ PATEL with MR AB MUNSHI for Petitioner(s)
MR SIRAJ GORI, AGP, for Respondent(s)
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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 17/02/2006

ORAL JUDGMENT

1.Rule. Learned AGP Shri Gori waives service of notice of rule on behalf of the respondents.

2.In this group of petition, the petitioners have

challenged the order passed by the Deputy Collector, Ahmedabad on 20th October 2000 as upheld by the order dated 17.11.2005 passed by the Principal Secretary (Appeals), Revenue Department, Government of Gujarat. By the impugned order, the Deputy Collector found that on land survey No.175/1 of Chandlodia admesuring 11635 sq. meters there is certain unauthorized construction and though the land is new tenure land such construction has been carried out without paying any premium and the condition of new tenure has been thus breached. The Deputy Collector, therefore ordered summary eviction of the petitioners. This order came to be upheld by the Principal Secretary observing that there are 5 rooms constructed by the petitioners and on northern portion of the land there are hutments also constructed. Learned advocate for the petitioners Shri Patel submitted that the construction was in a very small portion of the entire land which is otherwise not impermissible. He further submitted that the petitioners have since passing of the orders by the respondents removed the construction and have also removed the hutments. He submitted that the petitioners are also willing to pay the premium to the Government as may be applicable in accordance with

rules.

3. If the petitioners apply to the Collector and point out that the construction has been removed and that the petitioners are wiling to pay the premium as may be legally directed, such application will be considered by the Collector in accordance with law unmindful of the impugned orders expeditiously and preferably within a period of three months from the date of receipt of a copy of this order.

4. With the above directions, the petitions are disposed of. Rule is made absolute to the above extent with no order as to costs.

Direct service.

(Akil Kureshi, J.)

(vjn)